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# **Notice of Allowability**

**Application No.**

10/523,269

**Examiner**

Bryan R. Muller

**Applicant(s)**

JUNKER, ERWIN

**Art Unit**

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendments filed 2/21/2006.
2. ☒ The allowed claim(s) is/are 13-27.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## **Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

## EXAMINER'S AMENDMENT

### *Election/Restrictions*

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 13-27, drawn to a method for grinding a rotationally-symmetrical workpiece, classified in class 451, subclass 49.
  - II. Claims 28-36, drawn to an apparatus for grinding a workpiece, classified in class 45, subclass 242.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another and materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus may be used to grind several workpieces other than the rotationally-symmetrical workpiece having first and second cylindrical parts and a center part situated there between such as workpieces having more only one cylindrical part or other workpieces such as cam-shafts, which are not rotationally-symmetrical, that have several cam members located on a central shaft.
3. Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

4. Because these inventions are independent or distinct for the reasons given above and the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

5. During a telephone conversation with Herb Ruschmann on 6/2/2006 a provisional election was made without traverse to prosecute invention I, claims 13-27. Affirmation of this election must be made by applicant in replying to this Office action. Claims 28-36 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

6. This application is in condition for allowance except for the presence of claims 28-36 directed to Invention II non-elected without traverse. Accordingly, claims 28-36 have been cancelled.

#### **EXAMINER'S AMENDMENT**

7. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

8. Authorization for this examiner's amendment was given in a telephone interview with Herb Ruschmann on 6/2/2006.

9. The application has been amended as follows: Claims 28-36 have been cancelled for reading on non-elected invention II directed to an apparatus for grinding a workpiece.

**NOTE:** There were two sets of claims submitted on 2/21/2006, wherein all of the claim language is the same in both sets starting with claim 13, however, one set also lists claims 1-13 as being cancelled. The set listing claims 1-13 as being cancelled has not been entered due to incorrect numbering and the other set is the correctly numbered amended claims.

10. The following is an examiner's statement of reasons for allowance: the art of record (considered as a whole) neither anticipates nor renders obvious a method for grinding a rotationally-symmetrical having first and second cylindrical parts and a center part situated there between, providing a grinding spindle having first and second grinding wheels mounted uniaxially, said first grinding wheel having first and second sides with a first grinding wheel outer circumferential surface there between which is substantially cylindrical, said first grinding wheel outer circumferential surface having a profile conforming to and extending a length of said first center part side surface to be ground; supporting said grinding spindle on first and second pivots, said first pivot having a first pivot axis oriented perpendicular to said workpiece rotation axis, and said second pivot having a second pivot axis oriented in a direction perpendicular to said spindle axis and perpendicular to said first pivot axis and pivoting said grinding spindle on said second pivot between a second pivot first position placing said first and second grinding wheels at a first side of said second pivot, and a second pivot second position placing said first and second grinding wheels at a second side of said second pivot

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opposite said first side of said second pivot in combination with the rest of the limitations set forth in the independent claim.

11. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan R. Muller whose telephone number is (571) 272-4489. The examiner can normally be reached on Monday thru Thursday and second Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail III can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BRM *BRM*  
6/6/2006



Joseph J. Hail, III  
Supervisory Patent Examiner  
Technology Center 3700